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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

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|------------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA,    | : | Case No. 2:22cr481 DB          |
|                              | : |                                |
| Plaintiff,                   | : |                                |
|                              | : |                                |
| v.                           | : | NINTH NOTICE OF COMPLIANCE AND |
|                              | : | REQUEST FOR RECIPROCAL         |
|                              | : | DISCOVERY                      |
| APRIL GREN BAWDEN,           | : |                                |
| CHAD AUSTIN BAWDEN,          | : |                                |
| PHILLIP GANNUSCIA,           | : |                                |
| DUSTIN GARR, ROBERT          | : | Judge David Barlow             |
| MCKINLEY, RICHARD SCOTT      | : |                                |
| NEMROW, and JESSICA BJARNSON | : |                                |
|                              | : |                                |
| Defendants.                  | : |                                |

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The United States of America, by and through the undersigned, hereby files its ninth notice of compliance with its discovery obligations in this case and request for reciprocal discovery from the defendant.

The United States gives notice that the following is being or has been provided to counsel for defendant:

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| Description   | Bates Number   |
|---|--|
| Discovery produced:<br><br>NOC 09<br>Investigative Reports, Correspondence,<br>Intermountain West RCFL Receipt, Phone<br>Download and Interviews produced via<br>thumb drive. | <p style="text-align: center;"><b>Discovery Index provided via thumbdrive.</b></p> |

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Pursuant to Rule 12(b)(4)(A) of the Federal Rules of Criminal Procedure, the United States notified the defense that at trial, the United States may seek to use all physical evidence, statements made by the defendant and others, police reports, phone records, electronic evidence (including body camera footage), documents, and photographs obtained during the investigation. The United States reserves the right to introduce in its case-in-chief all tangible objects, physical, documentary, and electronic evidence, and all other evidence provided, made available, or identified in discovery.

As additional discoverable material becomes available, such material will be provided within a reasonable time. Throughout this case, the United States will provide material discoverable under Rules 16 and 26.2 of the Federal Rules of Criminal Procedure and the Jencks Act without requiring the defendant to make a specific request for such material. Upon the request of the defendant, the United States will permit and facilitate the defendant's own inspection, copying or photographing of those items described/defined in Rule 16(a)(1)(E).

The United States also hereby requests disclosure of evidence by the defendant (also known as reciprocal discovery) pursuant to Rule 16(b) of the Federal Rules of Criminal Procedure and DUCrimR 16-1(c). By providing Rule 16 discovery without requiring a specific

request from the defense, the United States invokes a reciprocal obligation on the defendant under DUCrimR 16-1(c), which states that the defendant must allow the government to inspect and to copy the following, as further defined in Rule 16 of the Federal Rules of Criminal Procedure:

- a. Documents and tangible objects the defendant intends to introduce as evidence at trial;
- b. Reports of examinations and tests the defendant intends to introduce at trial or that were prepared by a witness whom the defendant intends to call at trial; and
- c. A written summary of the testimony of any expert the defendant intends to use at trial under Federal Rules of Evidence 702, 703 and 705.

The United States requests that the defendant provide to the government at a reasonable time before trial, but no later than five working days before trial, copies of the material referenced in this paragraph. Further, the United States requests continuing compliance with the reciprocal discovery following the initial disclosure.

The United States also hereby requests all written and recorded statements by any witness other than the defendant whom the defendant intends to call at trial or a hearing covered by the Jencks Act or Rule 26.2 of the Federal Rules of Criminal Procedure.

DATED this 6<sup>th</sup> day of February, 2025.

TRINA A. HIGGINS  
United States Attorney

/s/ Brent Andrus  
BRENT ANDRUS  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that on the 6<sup>th</sup> day of February, 2025, the NINTH CERTIFICATE OF COMPLIANCE AND REQUEST FOR RECIPROCAL DISCOVERY was filed electronically with the District Court, and caused to be made available for pick up from the United States Attorney's Office to all parties named below:

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| <p><b>Charles L. Kreindler</b><br/>Sheppard Mullin Richter &amp; Hampton LLP<br/>333 S Hope St, 43rd Fl<br/>Los Angeles, CA 90071<br/>213-620-1780<br/>Email: <a href="mailto:ckreindler@sheppardmullin.com">ckreindler@sheppardmullin.com</a></p> <p><b>Jon D. Williams</b><br/>Jon D Williams PC<br/>9 Exchange Place Ste 600<br/>Salt Lake City, UT 84111<br/>(801) 746-1460<br/>Email: <a href="mailto:jwilliam@lawyer.com">jwilliam@lawyer.com</a><br/><i>Counsel for Robert McKinley</i></p> | <p><b>G. Fred Metos</b><br/>299 S Main Ste 1300<br/>Salt Lake City, Ut 84111<br/>(801) 535-4350<br/>Email: <a href="mailto:fred@gfredmetos.com">fred@gfredmetos.com</a></p> <p><b>Kathryn Neal Nester</b><br/>Nester Lewis PLLC<br/>50 W Broadway Ste 300<br/>Salt Lake City, Ut 84101<br/>(801) 535-4375<br/>Email: <a href="mailto:kathy@nesterlewis.com">kathy@nesterlewis.com</a><br/><i>Counsel for Chad Bawden</i></p> |
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| <p><b>Carolyn Perkins</b><br/> Law Office of Carolyn Perkins<br/> PO Box 520704<br/> Salt Lake City, UT 84106<br/> (801) 405-9954<br/> Email: <a href="mailto:cperkins@carolynperkinslaw.com">cperkins@carolynperkinslaw.com</a></p> <p><b>Gregory N. Ferbrache</b><br/> Ferbrache Law PLLC<br/> 2150 S 1300 E Ste 500<br/> Salt Lake City, UT 84106<br/> (801) 440-7476<br/> Email: <a href="mailto:gregory@ferbrachelaw.com">gregory@ferbrachelaw.com</a><br/> <i>Counsel for April Bawden</i></p>   |   |

/s/ Shannon Mattson

Shannon Mattson, Legal Specialist